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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,303	11/24/2003	Mitul B. Kadakia	139025	4128

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EXAMINER

LE, DANH C

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/720,303

Applicant(s)

KADAKIA ET AL.

Examiner

DANH C. LE

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 2, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/08/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

The drawings were received on 11/08/04. These drawings are accepted by the examiner.

The drawing of figure 1 is objected to under 37 CFR 1.83(a) because it fail to show number 72, 74 and did not show blocks diagram correctly block 47, 46, 48 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

Claim 9 is objected to because of the following informalities: after the "said portion" change "f" – "of". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 3-6, 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Goss (US 6,320,534).**

As to claim 1, Goss teaches in a communication system having a network through which communications are routable to a user positioned to communicate selectably by way of a selected one of a first communication station and at least a second communication station, an improvement of apparatus for facilitating routing of the communications by way of a telephonic call router to the selected one of the first and at least second communication stations (figure 1, col. 3, line 29-col.4, line 43), respectively, said apparatus comprising:

a positioner (42) adapted to receive indications of a location at which the user is positioned, the indications provided to said positioner free of user action, said positioner for automatically identifying at least relative to the first and at least second communication stations, positioning of the user;

a call routing instructor (30) coupled to said positioner, said call routing instructor for instructing the telephonic call router to which of the first and at least second communication stations to route the call, instructions generated by said call routing instructor responsive to identification of the positioning of the user made by said positioner.

As to claim 3, Goss teaches the apparatus of claim 1 wherein the user carries a position indicator, the position indicator generating positional indicia, indications of which form the indications that are provided to said positioner (col. 3, line 29-col.4, line 43).

As to claim 4, Goss teaches the apparatus of claim 3 wherein the position indicator carried by the user comprises a GPS (global positioning system) device, and wherein the positional indicia generated thereat is provided to said positioner (figure 2).

As to claim 5, Goss teaches the apparatus of claim 4 wherein the first communication station comprises a mobile station operable in a cellular radio communication system and wherein the GPS device is embodied at the mobile station and forms a portion thereof (figure 1, 2).

As to claim 6, Goss teaches the apparatus of claim 5 wherein the mobile station comprises a cellular-system radio transceiver and wherein the positional indicia generated by the GPS device is provided to said positioner by way of the cellular-system radio transceiver (figure 1-3).

As to claim 15, Goss teaches the apparatus of claim 1 wherein the selected one of the first and at least second communication stations to which said call routing

instructor instructs the telephonic call router to route the communications is within a selected range of the positioning of the user (figure 5).

As to claim 16, the claim is a method claim of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 17, Goss teaches the method of claim 16 further comprising the operation, prior to said operation of automatically identifying, of providing positional indicia associated with a location at which the user is positioned, and wherein identifications made during said operation of automatically identifying are made responsive to values of the positional indicia provided during said operation of providing (figure 1).

As to claim 18, Goss teaches the method of claim 17 wherein the positional indicia provided during said operation of providing is formed by a GPS (global positioning system) device carried by the user (figure 2).

As to claim 19, Goss teaches the method of claim 18 wherein the first communication station comprises a mobile station operable in a cellular communication system and wherein the GPS device that forms the positional indicia is embodied at the mobile station (figure 1).

As to claim 20, Goss teaches the method of claim 15 further comprising the operation of maintaining a location database that contains database entries, the database entries representative of the positioning of the user, database entries used during said operation of instructing to identify to which of the first and at least second communication stations to which to route the communications (figure 1, 34).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 7-10, 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss in view of Rayburn (US 6,937,869).**

As to claim 7, Goss teaches the apparatus of claim 6 wherein the network of the communication system comprises a cellular network portion, Goss fails to teach the network further comprises a positioning server coupled to the cellular network portion, and wherein at least a portion of said positioner is embodied at the positioning server. Rayburn teaches Goss fails to teach the network further comprises a positioning server coupled to the cellular network portion, and wherein at least a portion of said positioner is embodied at the positioning server (figure 1, col.9, line 9-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Rayburn into the system of Goss in order to enhance the system performance of the location based personal routing system which determine the destination position corresponding to the destination telephone number.

As to claim 8, the combination of Goss and Rayburn teaches the apparatus of claim 7 wherein the network further comprises a location server coupled to the positioning server, and wherein at least another portion of said positioner is embodied at the location server (Rayburn, figure 1, 34).

As to claim 9, the combination of Goss and Rayburn teaches the apparatus of claim 8 wherein said positioner further comprises a location database that contains database entries representative of the positioning of the user, the location database maintained at said portion of said positioner embodied at the location server (Rayburn, col.9, lines 9-30).

As to claim 10, the combination of Goss and Rayburn teaches the apparatus of claim 9 wherein the location database of said positioner embodied at the location server is updateable, and wherein said portion of said positioner embodied at the positioning server selectably causes updating of the database entries of the location database (Rayburn, col.9, lines 9-30).

As to claim 13, the combination of Goss and Rayburn teaches the apparatus of claim 1 wherein the communication system comprises a positioning server and wherein at least a portion of said positioner is embodied at the positioning server (Rayburn, col.9, lines 9-30).

As to claim 14, the combination of Goss and Rayburn teaches the apparatus of claim 1 wherein the network of the communication system comprises an application server, the application server coupled to the telephonic call router, and wherein said call routing instructor is embodied at the application server (Rayburn, col.9, lines 9-30).

***Allowable Subject Matter***

Claims 2 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



As to claim 2, the teaching of prior arts either alone or in combination fails to teach a time division multiplexed network, wherein the telephonic call router comprises a TDM switch embodied at the TDM network, and wherein the instructions generated by said call routing instructor are provided to the TDM switch.

As to claim 11, the teaching of prior arts either alone or in combination fails to teach apparatus of claim 10 wherein said portion of said positioner embodied at the positioning server causes updating of the database entries when the positioning of the user changes greater than a selected amount.

Dependent claim 12 is objectable for the same reason.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Goering et al (US 2005/0037750) teaches wireless direct routing service.

B. Shela et al (US 2003/0078035) teaches position identification method and system.

C. Kwon (US 2002/0090943) teaches position matching information service system and operating method thereof.

D. Gerber et al (US 6,873,846) teaches extending a location based telephone call from a wireless telephone set using a generic routing list.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

Art Unit: 2683

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Danh", written over a horizontal line.

October 25, 2005.

DANH CONG LE  
PATENT EXAMINER